

Message Text

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PAGE 01 STATE 306118
ORIGIN NEA-10

INFO OCT-01 ISO-00 L-03 SCS-06 CA-01 HA-05 /026 R

DRAFTED BY NEA:IAI:GDKULICK:VBJ
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L/NEA:DHSMALL
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-----003859 231906Z /53

R 231550Z DEC 77
FM SECSTATE WASHDC
TO AMEMBASSY TEL AVIV
INFO AMCONSUL JERUSALEM
AMEMBASSY AMMAN

UNCLAS STATE 306118

E.O. 11652: N/A

TA CASC, CARR, PBOR, IS, XF

SUBJECT: ARREST OF U.S. CITIZENS ON WEST BANK
RE: JERUSALEM 1965, AND B) STATE 302082

1. DEPARTMENT'S INTERPRETATION OF ARTICLE 3 OF TREATY OF FCN IS THAT IT CAN APPLY TO OCCUPIED TERRITORIES AS WELL AS TO ISRAEL PROPER. DEFINITION OF TERRITORIES TO WHICH TREATY APPLIES ENCOMPASSES AREAS "UNDER THE SOVEREIGNTY OR AUTHORITY" OF EITHER PARTY. SINCE WE HAVE LONG ACKNOWLEDGED ISRAEL'S "AUTHORITY" OVER THE WEST BANK AS A BELLIGERENT OCCUPANT, APPLYING APPROPRIATE PROVISIONS OF THE TREATY TO THAT AREA NEED NOT BE CONSTRUED AS A CHANGE IN U.S. POLICY WITH REGARD TO SOVEREIGNTY OVER THE AREA. ISRAEL, WHICH APPEARS TO CONSIDER THE SITUATION AS MILITARY ADMINISTRATION, NOT BELLIGERENT OCCUPATION, SHOULD HAVE NO GREATER THEORETICAL PROBLEMS ALTHOUGH IT MAY WISH TO
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MAKE SOME OTHER ARGUMENT. SINCE MFN AGREEMENTS WOULD NOT NORMALLY APPLY TO TERRITORIES UNDER BELLIGERENT OCCUPATION, HOWEVER, WE WOULD NOT WISH TO INSIST ON THE POINT TOO

CATEGORICALLY.

2. IN THESE CIRCUMSTANCES, EMBASSY SHOULD RAISE WITH

MFA OUR CONCERN OVER FAILURE OF MILITARY AUTHORITIES TO
NOTIFY U.S. CONSULAR OFFICIALS, EITHER IN TEL AVIV OR
JERUSALEM, OF ARREST OF AMERICANS IN WEST BANK AS REPORTED
REF A. OUR CONCERNS DERIVE PRIMARILY FROM CONSIDERATIONS
OF EQUITY CITED IN REF B. WE ARE ALSO CONCERNED WITH
APPARENT DISREGARD OF ARTICLE III OF TREATY OF FRIEND-
SHIP, COMMERCE AND NAVIGATION, WHICH SETS AN APPROPRIATE
STANDARD FOR THIS SITUATION IN ALL AREAS UNDER ISRAELI
AUTHORITY. EMBASSY SHOULD REQUEST MFA TO TAKE NECESSARY
MEASURES TO ASSURE THAT MILITARY OCCUPATION AUTHORITIES
PROMPTLY NOTIFY EITHER THE EMBASSY OR THE CONSULATE
GENERAL OF THE ARREST OR DETENTION OF ANY AMERICAN CITI-
ZEN. VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WEST BANK, ARRESTS, LEGISLATIVE BILLS
Control Number: n/a
Copy: SINGLE
Sent Date: 23-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE306118
Document Source: CORE
Document Unique ID: 00
Drafter: IAI:GDKULICK:VBJ
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770480-0112
Format: TEL
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1977/newtext/t19771221/aaaaaqyp.tel
Line Count: 75
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: b2b7cafd-c188-dd11-92da-001cc4696bcc
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Review Content Flags:
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Review Exemptions: n/a
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